

SUMMARY MINUTES

ABAG Executive Board Meeting No. 395
Thursday, September 19, 2013
Joseph P. Bort MetroCenter
101 8th Street, Oakland, California

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

President Mark Luce, Supervisor, County of Napa, called the meeting of the Executive Board of the Association of Bay Area Governments to order at about 7:15 p.m.

President Luce led the Board and the public in the Pledge of Allegiance.

A quorum of the Board was not present.

Representatives and Alternates Present	Jurisdiction
Councilmember Ronit Bryant	City of Mountain View
Representatives Present	Jurisdiction
Councilmember Desley Brooks	City of Oakland
Councilmember Ronit Bryant	City of Mountain View
Supervisor Cindy Chavez	County of Santa Clara
Councilmember Kansen Chu	City of San Jose
Dep Dir Tamsen Drew, Leg/Gov Affairs	City of San Francisco
Mayor Pat Eklund	City of Novato
Supervisor John Gioia	County of Contra Costa
Mayor Pedro Gonzalez	City of South San Francisco
Supervisor Scott Haggerty	County of Alameda
Mayor Bill Harrison	City of Fremont
Vice Mayor Dave Hudson	City of San Ramon
Supervisor Mark Luce	County of Napa
Councilmember Jake Mackenzie	City of Rohnert Park
Supervisor Eric Mar	County of San Francisco
Supervisor Karen Mitchoff	Count of Contra Costa
Mayor Pro Tem Mary Ann Nihart	City of Pacifica
Mayor Julie Pierce	City of Clayton
Mayor Jean Quan	City of Oakland
Supervisor David Rabbitt	County of Sonoma
Supervisor Katie Rice	County of Marin
Councilmember Libby Schaaf	City of Oakland
Supervisor Linda Seifert	County of Solano
Dep Dir Joaquin Torres, Econ/Workforce Dev	City of San Francisco

Representatives Absent	Jurisdiction
Supervisor David Cortese	County of Santa Clara
Mayor Leon Garcia	City of American Canyon
Councilmember Ash Kalra	City of San Jose
Supervisor Jane Kim	County of San Francisco
Director William Kissinger	RWQCB
Mayor Edwin Lee	City of San Francisco
Councilmember Sam Liccardo	City of San Jose

Supervisor Dave Pine
Councilmember Joe Pirzynski
Mayor Harry Price
Supervisor Warren Slocum
Mayor Jerry Thorne
Supervisor Richard Valle

County of San Mateo
Town of Los Gatos
City of Fairfield
County of San Mateo
City of Pleasanton
County of Alameda

2. PUBLIC COMMENT

There were no public comments.

3. ANNOUNCEMENTS

There were no announcements.

4. PRESIDENT'S REPORT

President Luce welcomed newly appointed Board members: Mary Ann Nihart, Mayor *Pro Tem*, City of Pacifica; Cindy Chavez, Supervisor, County of Santa Clara; Tamsen Drew, Deputy Director, Legislation and Governmental Affairs, Office of the Mayor, City and County of San Francisco; and Jake Mackenzie, Councilmember, City of Rohnert Park.

He reported on the following:

Forwarded approved Plan Bay Area to California Air Resources Board (CARB).

Forwarded final RHNA numbers to Housing and Community Development (HCD) which formally accepted approved RHNA numbers.

Marked increase in positive publicity regarding Plan Bay Area, including from some previously critical sources, over past few months.

Placed op-ed pieces in a number major papers in the region to correct misinformation about Plan Bay Area, emphasizing that it is not one-size-fits all; is not top down, but bottom up; does not infringe on local decision making; Is a work in progress, not set in stone.

Received good coverage in the press, on the radio, on TV, and in regional and local newspapers, blogs, and online media for the Bay Trail, including about Kurt Schwabe, the Bay Trail Trekker who circled the Bay in 30 days; and the new Bridge Bay Trail opening for bikes and pedestrians.

Conducted a workshop on "Creating Healthy Communities", co-sponsored by Kaiser, as part of the Local Government Health and Wellness Forum, which featured best practices to create worksite well ness programs, walkable active communities, and accessible healthy food options.

Announced the 11th Biennial State of the San Francisco Estuary Conference on October 29th and 30th at the Oakland Marriott City Center which focuses on management and ecological health of San Francisco Bay-Delta Estuary.

The term of office for President and Vice President Pierce ends in December and in the Consent Calendar was the Approval of an Election Calendar for President

and Vice President. A Canvassing Committee of three members will be appointed, if needed.

An Approval to Reschedule the Executive Board meeting on November 21, 2013 to December 5, 2013 was placed on the Consent Calendar.

A. Approval to Reschedule the Executive Board Meeting on November 21, 2013 to December 5, 2013

Action on the rescheduling of the Board meeting was deferred until a quorum was present.

5. EXECUTIVE DIRECTOR'S REPORT

Ezra Rapport, ABAG Executive Director, reported on the receipt of the following grants:

USGS funded Bay Area Population and Housing Earthquake Risk Assessment project involving a collaborative effort with the BCDC Adapting to Rising Tides project.

Consultant input on strategies to be provided through an EPA/FEMA grant for Creating Safe Growth Strategies for the San Francisco Bay Area.

With the Resource for Community Development, a local affordable housing developer, conducting the Affordable Housing and Transit Oriented Development research project, funded by the Ford Foundation, the San Francisco Foundation, and ABAG Financial Services, to survey tenants of affordable units regarding benefits of renting in TOD locations.

6. ABAG CONSENT CALENDAR

Action on the Consent Calendar was deferred until a quorum was present.

A. Approval of Executive Board Summary Minutes of Special Meeting No. 393 held on June 20, 2013, and Meeting No. 394 held on July 18, 2013

Approved the summary minutes of special meeting No. 393 held on June 20, 2013, and meeting No. 394 held on July 18, 2013.

B. Approval of Transmission of Federal Grant Applications to State Clearinghouse

Approved transmitting list of federal grant applications to the State Clearinghouse. These applications were circulated in ABAG's Intergovernmental Review Newsletter since the last Executive Board meeting.

C. Committee Appointments

Ratified the following committee appointments.

ABAG Regional Planning Committee

Linda Jackson, Transportation Authority of Marin (replaces Beth Walukas)
Vu-Ban Nguyen, Urban Habitat (replaces Allen Fernandez Smith)

D. Approval of Election Calendar—President and Vice President

Adopted the election calendar for President and Vice President for the term of office beginning on January 1, 2014 and ending on December 31, 2015.

E. Approval of Office Supplies Provider

Approved the selection of an office supplies provider and directed the Executive Director, or his designee, to negotiate and enter into contract with an office supplies provider for Fiscal Year 2013-2014, beginning in September, with an option to renew for three additional consecutive one-year periods ending June 30, 2017, subject to approval of future agency budgets.

F. Ratification of Agreement with Urban Resilience Policy

Ratified the agreement with Urban Resilience Policy and authorized the Executive Director, or his designee, to enter into an agreement with Urban Resilience Policy to provide programmatic and technical support to the ABAG Earthquake and Hazards Program.

G. Adoption of Resolution No. 10-13 Authorizing Entering into an Augmented Agreement with the California Coastal Conservancy for the San Francisco Bay Area Water Trail

Adopted Resolution No. 10-13 authorizing the Executive Director, or his designee, to enter into an augmented agreement with the California Coastal Conservancy in the amount of \$750,000 to develop and implement various projects for the San Francisco Bay Area Water Trail.

H. Ratification of Submittal of Grant Proposal to California State Coastal Conservancy Climate Ready Grant Program for Climate Ready-Green Infrastructure Project

Ratified the submittal of a proposal by the San Francisco Estuary Partnership (SFEP) in response to the California State Coastal Conservancy's Climate Ready Grant Announcement for which applications were due on August 28, 2013. The Climate Ready-Green Infrastructure Project (CR-GIP) proposal combines and builds upon two existing education and outreach efforts to promote the use of green infrastructure measures as a Bay Area climate change adaption strategy. The proposal is collaboration among SFEP, the National Oceanic and Atmospheric Administration (NOAA), and the San Francisco Bay National Estuarine Research Reserve. The proposed project request is \$165,190.

I. Ratification of Submittal of Grant Application to California State Coastal Conservancy Climate Ready Program for Dredged Sediment Delivery System

Ratified the submittal of a proposal by the San Francisco Estuary Partnership in response to the California State Coastal Conservancy's Climate Ready Program to develop a conceptual design for a system to deliver dredged sediment to beneficial reuse/restoration sites in the San Francisco Bay/Delta. The estimated cost of the project is \$149,418.

J. Authorization to Enter into an Interagency Agreement with Alameda County to Provide Technical Resources to the San Francisco Regional Water Quality Control Board

Authorized the Executive Director, or his designee, to enter into an interagency agreement with Alameda County to provide staff to assist with permit review for

projects and activities under the jurisdiction of the San Francisco Regional Water Quality Control Board. The new contract is estimated to cost \$791,328. The duration is from September 1, 2013 to September 20, 2018. No ABAG match is required.

K. Adoption of Resolution 11-13 in support of the City of Union City's Request for an Expedited Approval by the California Department of Finance of the Sale of Former Redevelopment Land within its Intermodal Station District PDA

Adopted Resolution 11-13 in support of the City of Union City's request for an expedited approval by the California Department of Finance of the sale of land owned by former redevelopment agencies within its Intermodal Station District Planned Development Area.

7. BRIEFING ON THE BAY DELTA CONSERVATION PLAN

Paul Helliker, Deputy Director, Delta and Statewide Water Management, California Department of Water Resources, provided a briefing on the Bay Delta Conservation Plan (BDCP). The briefing included an overview of areas of California served by water supplies from the Delta, snowpack predictions, Delta islands below sea level and Delta challenges. He reviewed the Bay Delta Conservation Plan's large scale restoration and alternative conveyance components. He commented on the NRDC proposal, reviewed present value benefits and costs, compared the Hetch Hetchy Seismic upgrade project, and reviewed other water investment projects.

Gary Bobker, Rivers and Delta Program Director, The Bay Institute, gave a presentation on the BDCP and the Delta Crisis, which included an overview of the Bay Institute's programs; impacts on species populations and habitats; exports and reverse flows and hydrology. He reviewed key BDCP assumptions and issues with Delta flow, entrainment, habitat restoration, supply reliability, local and regional support, and reducing reliance on the Delta.

Members commented on the Bay Delta Conservation Plan as presented by Mr. Helliker and the issues raised by Mr. Bobker, regarding the five Delta counties and governance, finance, water management, comprehensive state water program, water storage, mitigation, levy restoration, messaging, impacts on agriculture and other resources, alternatives to diversion, conveyance capacity, permit processing and regulatory agencies.

A quorum of the Board was present at about 7:35 p.m.

President Luce recognized a motion by Scott Haggerty, Supervisor, County of Alameda, which was seconded by Eklund, to approve the Consent Calendar. The motion passed unanimously.

President Luce recognized a motion by Pat Eklund, Mayor, City of Novato, which was seconded by Dave Hudson, Councilmember, City of San Ramon, to reschedule the Board and Legislation and Governmental Organization Committee and Finance and Personnel Committee meetings from November 21, 2013 to December 5, 2013, and to schedule Board meetings that do not conflict with the annual meetings the League of California Cities and the California State Association of Counties. Members discussed the California State Association of Counties meeting in San

Jose that coincides with the Board meeting in November and the installation of John Gioia, Supervisor, County of Contra Costa, as CSAC president. Members also discussed scheduling Board meetings that do not conflict with meetings of the League of California Cities and California State Association of Counties, and polling Board members regarding their attendance at a meeting in December. The motion passed unanimously.

The Board recessed at about 8:55 p.m.

The Board reconvened at about 910 p.m.

8. REPORT ON PLAN BAY AREA IMPLEMENTATION

Brad Paul, ABAG Deputy Executive Director, reported on Plan Bay Area implementation, which includes the following focus areas: PDA implementation, open space and farmland, housing production and affordability, and economic development. PDA implementation includes transit corridors, entitlement efficiency, resilience, and regional PDA planning grants. Housing production and affordability includes housing production analysis and policy development, targeting regional resources for affordable housing, and state housing policy coordination. Economic development includes a Bay Area economic prosperity strategy, place-based economic development strategies, business community coordination, and goods movement and industrial land. Open space and farmland preservation includes Priority Conservation Areas, and Bay Trail and Water Trail. He described staff work to be undertaken and asked for input regarding priorities and challenges to PDA implementation.

Members discussed ensuring that the proposed goods movement studies will be done; preparing for and directing staff to report on planning for the next Plan Bay Area update; coordinating media outreach with Board members; preparing an annual report on the performance targets; working with labor organizations on career pathways in economic development; how to engage Governing Board delegates regarding implementation; involving Board members in PDA implementation; local jurisdiction decisions regarding entitlement efficiency and CEQA streamlining; regional discussion of planning along transit corridors.

9. UPDATE ON THE SAN FRANCISCO BAY AREA REGIONAL ENERGY NETWORK (BAYREN)

Jerry Lahr, ABAG Energy Programs Manager, and Jennifer Berg, BayREN Program Manager, presented an update on the Bay Area Regional Energy Network programs, including an overview of the purpose of BayREN, its organizational structure, and program offerings. They described the single family retrofit program, multi-family retrofit program, energy codes and standards, and energy efficiency financing.

Members discussed outreach efforts and participation levels.

10. LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE REPORT

Committee Chair David Rabbitt, Supervisor, County of Sonoma, reported on Committee activities and requested Board approval of Committee recommendations, including a review of legislation considered during the 2013 legislative session and bills that passed out of the legislature to the governor, including AB 48 (Skinner), Firearms: Large Capacity Magazines, support; AB 1229 (Atkins), Land Use: Zoning

Regulations, support; AB 440 (Gatto), Hazardous Materials: Local Agency Clean-up, support; AB 562 (Williams), Economic Development Subsidies: Review by Local Agencies, oppose; AB 662 (Atkins, et al.), Local Government: Redevelopment—Successor Agencies to Redevelopment Agencies, enrolled/support; SB 279 (Hancock), San Francisco Bay Restoration Authority, enrolled/support; SB 299 (DeSaulnier), Firearms: Lost or Stolen—Reports, enrolled/support; SB 470 (Wright), Community Development: Economic Opportunity, ordered to engrossing/enrolling; SB 594 (Hill), Use of Public Resources, ordered to engrossing/enrolling; a recommendation that letters be sent to the governor expressing ABAG's positions on these bills; and review of SB 731 (Steinberg), California Environmental Quality Act, and SB 743 (Steinberg), Environmental Quality: Transit Oriented Infill Projects.

President Luce recognized a motion by Rabbitt, which was seconded by Linda Seifert, Supervisor, County of Solano, to accept the committee report.

Member discussed indicating on the legislation report the positions taken by the League of California Cities and the California State Association of Counties.

The motion passed unanimously.

11. FINANCE AND PERSONNEL COMMITTEE REPORT

Committee Chair John Gioia, Supervisor, County of Contra Costa, will report on Committee activities and request Board approval of Committee recommendations, including presentation and review of financial report for June 2013; report on Diversity and Business Opportunity for Fiscal Year 2012/13 and directing staff to develop policy on greater outreach; and process and schedule for public employee performance evaluation for Legal Counsel.

The committee met in three closed sessions:

Conference with Legal Counsel on anticipated litigation;

Conference with Legal Counsel on existing litigation: *Bay Area Citizens v ABAG, et al.*; *Building Industries Association Bay Area v ABAG, et al.*; *Communities for a Better Environment, et al. v MTC et al.*

Conference with ABAG's designated labor negotiators regarding SEIU Local 1021.

President Luce recognized a motion by Gioia, which was seconded by Julie Pierce, Mayor, City of Clayton, to accept the committee report. The motion passed unanimously.

The Board entered Closed Session at about 10:11 p.m.

12. CLOSED SESSION

A. Conference with Legal Counsel—Anticipated Litigation

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):

One case

B. Conference with Legal Counsel—Existing Litigation

Government Code Section 54956.9(d)(1)

Summary Minutes

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Thursday, September 19, 2013

8

Name of cases:

Bay Area Citizens v. ABAG et al.

Building Industry Association Bay Area v. ABAG et al.

Communities for a Better Environment et al. v. MTC et al.

C. Conference with Labor Negotiators

Agency designated representatives: Ezra Rapport, ABAG Executive Director, and Brian Kirking, ABAG Information Services and Human Resources Director

Employee organization: SEIU Local 1021

The Board returned to Open Session at about 10:23 p.m.

13. REPORT OUT OF CLOSED SESSION

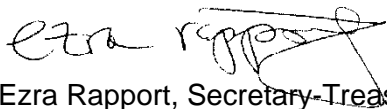
President Luce recognized a motion by Gioia, which was seconded by Hudson, to adopt Resolution No. 12-13 on the formation of joint litigation committee with the Metropolitan Transportation Commission regarding *Bay Area Citizens v ABAG, et al.*; *Building Industries Association Bay Area v ABAG, et al.*; *Communities for a Better Environment, et al. v MTC et al.* Appointed to the committee were Mark Luce, Supervisor, County of Napa; Julie Pierce, Mayor, City of Clayton; John Gioia, Supervisor, County of Contra Costa; and David Rabbitt, Supervisor, County of Sonoma. The motion passed unanimously.

14. ADJOURNMENT

The next meeting of the Board will be on December 5, 2013.

President Luce adjourned the meeting of the Board at about 10:25 p.m.

Submitted:



Ezra Rapport, Secretary-Treasurer

Date: October 22, 2013

For information or to review audio recordings of ABAG Executive Board meetings, contact Fred Castro, Clerk of the Board, at (510) 464 7913 or FredC@abag.ca.gov.